

110TH CONGRESS  
1ST SESSION

# H. R. 1773

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IN THE SENATE OF THE UNITED STATES

MAY 16, 2007

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To limit the authority of the Secretary of Transportation to grant authority to motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Safe American Roads  
3 Act of 2007”.

4 **SEC. 2. LIMITATION ON GRANTING AUTHORITY.**

5       The Secretary of Transportation may not grant au-  
6 thority to a motor carrier domiciled in Mexico to operate  
7 beyond United States municipalities and commercial zones  
8 on the United States-Mexico border, except under the pilot  
9 program authorized by this Act.

10 **SEC. 3. PILOT PROGRAM.**

11       (a) IN GENERAL.—The Secretary of Transportation  
12 may carry out, in accordance with section 350 of Public  
13 Law 107–87, section 31315(c) of title 49, United States  
14 Code, all Federal motor carrier safety laws and regula-  
15 tions, and this Act, a pilot program that grants authority  
16 to not more than 100 motor carriers domiciled in Mexico  
17 to operate beyond United States municipalities and com-  
18 mercial zones on the United States-Mexico border.

19       (b) LIMITATION ON COMMERCIAL MOTOR VEHICLES  
20 PARTICIPATING IN PILOT PROGRAM.—The number of  
21 commercial motor vehicles owned or leased by motor car-  
22 riers domiciled in Mexico which may be used to participate  
23 in the pilot program shall not exceed 1,000.

24       (c) PILOT PROGRAM PREREQUISITES.—The Sec-  
25 retary may not initiate the pilot program under subsection  
26 (a) until—

1           (1) the Inspector General of the Department of  
2           Transportation submits to Congress and the Sec-  
3           retary a report—

4                   (A) independently verifying that the De-  
5                   partment is in compliance with each of the re-  
6                   quirements of subsections (a) and (b) of section  
7                   350 of Public Law 107–87; and

8                   (B) including a determination of whether  
9                   the Department has established sufficient mech-  
10                  anisms—

11                          (i) to apply Federal motor carrier  
12                          safety laws and regulations to motor car-  
13                          riers domiciled in Mexico; and

14                          (ii) to ensure compliance with such  
15                          laws and regulations by motor carriers  
16                          domiciled in Mexico who will be granted  
17                          authority to operate beyond United States  
18                          municipalities and commercial zones on the  
19                          United States-Mexico border;

20           (2) the Secretary of Transportation—

21                   (A) takes such action as may be necessary  
22                   to address any issues raised in the report of the  
23                   Inspector General under paragraph (1); and

24                   (B) submits to Congress a detailed report  
25                   describing such actions;

1           (3) the Secretary determines that there is a  
2           program in effect for motor carriers domiciled in the  
3           United States to be granted authority to begin oper-  
4           ations in Mexico beyond commercial zones on the  
5           United States-Mexico border;

6           (4) the Secretary publishes in the Federal Reg-  
7           ister and provides sufficient opportunity for public  
8           comment on the following:

9                   (A) a detailed description of the pilot pro-  
10                  gram and the amount of funds the Secretary  
11                  will need to expend to carry out the pilot pro-  
12                  gram;

13                  (B) the findings of each pre-authorization  
14                  safety audit conducted, before the date of en-  
15                  actment of this Act, by inspectors of the Fed-  
16                  eral Motor Carrier Safety Administration of  
17                  motor carriers domiciled in Mexico and seeking  
18                  to participate in the pilot program;

19                  (C) a process by which the Secretary will  
20                  be able to revoke Mexico-domiciled motor car-  
21                  rier operating authority under the pilot pro-  
22                  gram;

23                  (D) specific measures to be required by the  
24                  Secretary to protect the health and safety of

1 the public, including enforcement measures and  
2 penalties for noncompliance;

3 (E) specific measures to be required by the  
4 Secretary to enforce the requirements of section  
5 391.11(b)(2) of title 49, Code of Federal Regu-  
6 lations, as in effect on the date of enactment of  
7 this Act;

8 (F) specific standards to be used to evalu-  
9 ate the pilot program and compare any change  
10 in the level of motor carrier safety as a result  
11 of the pilot program;

12 (G) penalties to be levied against carriers  
13 who, under the pilot program, violate section  
14 365.501(b) of title 49, Code of Federal Regula-  
15 tions, as in effect on the date of enactment of  
16 this Act;

17 (H) a list of Federal motor carrier safety  
18 laws and regulations for which the Secretary  
19 will accept compliance with a Mexican law or  
20 regulation as the equivalent to compliance with  
21 a corresponding Federal motor carrier safety  
22 law or regulation, including commercial driver's  
23 license requirements; and

24 (I) for any law or regulation referred to in  
25 subparagraph (H) for which compliance with a

1 Mexican law or regulation will be accepted, an  
2 analysis of how the requirements of the Mexi-  
3 can and United States laws and regulations dif-  
4 fer; and

5 (5) the Secretary establishes an independent re-  
6 view panel under section 4 to monitor and evaluate  
7 the pilot program.

8 **SEC. 4. INDEPENDENT REVIEW PANEL.**

9 (a) ESTABLISHMENT OF PANEL.—The Secretary of  
10 Transportation shall establish an independent review  
11 panel to monitor and evaluate the pilot program under  
12 section 3. The panel shall be composed of 3 individuals  
13 appointed by the Secretary.

14 (b) DUTIES.—

15 (1) EVALUATION.—The independent review  
16 panel shall—

17 (A) evaluate any effects that the pilot pro-  
18 gram has on motor carrier safety, including an  
19 analysis of any crashes involving motor carriers  
20 participating in the pilot program and a deter-  
21 mination of whether the pilot program has had  
22 an adverse effect on motor carrier safety; and

23 (B) make, in writing, recommendations to  
24 the Secretary.

1           (2) RECOMMENDATIONS.—If the independent  
2       review panel determines that the pilot program has  
3       had an adverse effect on motor carrier safety, the  
4       panel shall recommend, in writing, to the Sec-  
5       retary—

6                   (A) such modifications to the pilot pro-  
7       gram as the panel determines are necessary to  
8       address such adverse effect; or

9                   (B) termination of the pilot program.

10       (c) RESPONSE.—Not later than 5 days after the date  
11   of a written determination of the independent review panel  
12   that the pilot program has had an adverse effect on motor  
13   carrier safety, the Secretary shall take such action as may  
14   be necessary to address such adverse effect or terminate  
15   the pilot program.

16   **SEC. 5. INSPECTOR GENERAL REVIEW.**

17       (a) IN GENERAL.—The Inspector General of the De-  
18   partment of Transportation—

19                   (1) shall monitor and review the pilot program;

20                   (2) not later than 12 months after the date of  
21   initiation of the pilot program, shall submit to Con-  
22   gress and the Secretary of Transportation a 12-  
23   month interim report on the Inspector General's  
24   findings regarding the pilot program; and

1           (3) not later than 18 months after the date of  
2           initiation of the pilot program, shall submit to Con-  
3           gress and the Secretary an 18-month interim report  
4           with the Inspector General's findings regarding the  
5           pilot program.

6           (b) SAFETY DETERMINATIONS.—The interim reports  
7           submitted under subsection (a) shall include the deter-  
8           mination of the Inspector General of—

9           (1) whether the Secretary has established suffi-  
10          cient mechanisms to determine whether the pilot  
11          program is having any adverse effects on motor car-  
12          rier safety;

13          (2) whether the Secretary is taking sufficient  
14          action to ensure that motor carriers domiciled in  
15          Mexico and participating in the pilot program are in  
16          compliance with all Federal motor carrier safety  
17          laws and regulations and section 350 of Public Law  
18          107–87; and

19          (3) the sufficiency of monitoring and enforce-  
20          ment activities by the Secretary and States to ensure  
21          compliance with such laws and regulations by such  
22          carriers.

23          (c) REPORT TO CONGRESS.—Not later than 60 days  
24          after the date of submission of the 18-month interim re-



1 port of the Inspector General under this section, the Sec-  
2 retary shall submit to Congress a report on—

3 (1) the actions the Secretary is taking to ad-  
4 dress any motor carrier safety issues raised in one  
5 or both of the interim reports of the Inspector Gen-  
6 eral;

7 (2) evaluation of the Secretary whether grant-  
8 ing authority to additional motor carriers domiciled  
9 in Mexico to operate beyond United States munici-  
10 palities and commercial zones on the United States-  
11 Mexico border would have any adverse effects on  
12 motor carrier safety;

13 (3) modifications to Federal motor carrier safe-  
14 ty laws and regulations or special procedures that  
15 the Secretary determines are necessary to enhance  
16 the safety of operations of motor carriers domiciled  
17 in Mexico in the United States; and

18 (4) any recommendations for legislation to  
19 make the pilot program permanent or to expand op-  
20 erations of motor carriers domiciled in Mexico in the  
21 United States beyond municipalities and commercial  
22 zones on the United States-Mexico border.

23 **SEC. 6. DURATION OF PILOT PROGRAM.**

24 (a) IN GENERAL.—The Secretary of Transportation  
25 may carry out the pilot program under this Act for a pe-

1 riod not to exceed 3 years; except that, if the Secretary  
2 does not comply with any provision of this Act, the author-  
3 ity of the Secretary to carry out the pilot program termi-  
4 nates.

5 (b) FINAL REPORT.—Not later than 60 days after  
6 the last day of the pilot program, the Secretary shall sub-  
7 mit to Congress a final report on the pilot program.

Passed the House of Representatives May 15, 2007.

Attest: LORRAINE C. MILLER,  
*Clerk.*